

These minutes have been approved by the Board 7.11.2022

MINUTES OF THE VIRTUAL CONFERENCING MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
May 2, 2022

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Secretary, Pam Rowland, at 10:32 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Room B, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby and posted 04.20.2022.

Members Present on call (9):

The following members answered roll call:

Shannon Bingham, Member
Matt Bavougian, Member
Vicki Criswell, Member (in room)
Ruth Lucas, Member
Marie Nordboe, Member
Brandy Phillips, Member (in room)
Leslie Reed, Member
Harold "Buddy" Sims, Member
Pamela Rowland, Vice-Chair

Members Absent (2):

Bridget Anderson, Chair
Jacqueline Hornig, Secretary

Others Present:

Kris Chiles, Program Manager, Licensure Unit (in the room)
Milissa Johnson-Wiles, Assistant Attorney General (in the room)
Joe Neuhaus – Assistant Attorney General (in the room)
Anna Harrison, DHHS Compliance Monitor (on call)
Jessica Bowan, DHHS Investigation (in room)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Criswell moved, seconded Lucas, to adopt the agenda. A voice vote was taken. Voting aye: Bingham, Bavougian, Criswell, Lucas, Nordboe, Phillips, Reed, Rowland, Sims (9). Voting nay: None (0). Absent: Anderson, Hornig (2). Vacant positions (2). Motion carried.

10:35 a.m. Hornig entered call

3. APPROVAL OF MINUTES:

MOTION: Nordboe moved, seconded Criswell, to adopt the minutes for 04.04.2022 with corrections. A voice vote was taken. Voting aye: Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Phillips, Reed, Rowland, Sims (10). Voting nay: None (0). Absent: Anderson (1). Vacant positions (2). Motion carried.

4. Updates/Follow-up

- a) **2022 Legislation**
LB19 – Overview by board, Sims, Rowland and Bavougian will relook at bill and report to Board at a future meeting.
- b) **Body Art Regulations** - No updates

c) **Advisory Positions: Esthetic Procedures (needle size for esthetic services)**

Currently the Board's advisory ~~opinion~~ **position** allows for needle size of .05 (determined September 18, 2013). Companies in 2013 and prior had 10 different sizes of needles. **In 2013 microneedling was a roller device (micro needling). Now there are pens that have 20-30 needles in a cartridge (like a jack hammer-better results).** Current research shows companies do not sell a .05 needle, not it's a .5 mm; same for the .03 needle it now a .3. Needle sizes above .5 is a medical grade, Board will relook at the next meeting.

d) **Reports:** Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed.

Statistics will continue to be attached to the agenda's.

11:15 a.m. Trevor Klassen and Kathleen Krueger, investigators entered room

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Criswell moved, seconded by Nordboe, to enter into closed session at 11:21 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Rowland repeated the motion and purpose. A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (10). Voting nay: None (0). Absent: Anderson (1). Vacant positions (2). Motion carried.

11:53 a.m. Krueger exited room
12:41 a.m. Klassen exited room
12:41 a.m. Johnson-Willes exited room

6. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

1:44 p.m. Verbal agreement from all board members to enter into open session.
1:44 p.m. Break
1:55 p.m. Board returned to Open Session

Amanda Black/Warnke-Cosmetologist reinstatement

MOTION: Criswell moved, seconded by Nordboe, to recommend a 1 year probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. **Basis: Practice prior to reinstatement.** A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe (9). Voting nay: None (0). Absent: Anderson, Reed (2). Abstain: None (0). Vacant positions (2). Motion carried.

1:59 p.m. Reed returned to the call

Blondie's-Cosmetology Salon

MOTION: Hornig moved, seconded by Criswell, to recommend a 1 year probation, with the following terms and conditions: Successfully complete the jurisprudence examination by the owner within 90 days and the Standard Terms and Conditions of probation. **Basis: Operate a salon prior to licensure.** A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (10). Voting nay: None (0). Absent: Anderson (1). Abstain: (0). Vacant positions (2). Motion carried.

Beauchamp Alejandro Morales – Tattoo Artist

MOTION: Hornig moved, seconded by Criswell, to recommend a 6 month probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. **Basis: Failed to disclose 12 of 13 convictions.** A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (10). Voting nay: None (0). Absent: Anderson (1). Abstain: (0). Vacant positions (2). Motion carried.

Elia Ornelas – Cosmetologist

MOTION: Nordboe moved, seconded by Sims, to recommend issuance with no terms and conditions. A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (10). Voting nay: None (0). Absent: Anderson (1). Abstain: (0). Vacant positions (2). Motion carried.

Carlos Lopez – Tattoo Artist

MOTION: Nordboe moved, seconded by Criswell, to recommend issuance with no terms and conditions. A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (10). Voting nay: None (0). Absent: Anderson (1). Abstain: (0). Vacant positions (2). Motion carried.

Jordan Hernandez – Tattoo Artist

MOTION: Criswell moved, seconded by Sims, to recommend issuance with no terms and conditions. A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (10). Voting nay: None (0). Absent: Anderson (1). Abstain: (0). Vacant positions (2). Motion carried.

Tyayre Lewis – Tattoo Artist

MOTION: Nordboe moved, seconded by Rowland, to defer to next meeting. A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (10). Voting nay: None (0). Absent: Anderson (1). Vacant positions (2). Motion carried.

7. CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Bingham moved, seconded by Hornig, to enter into closed session at 2:06 p.m. p.m. for the purpose of discussions of confidential nature to review the jurisprudence examination. Rowland repeated the motion and purpose. A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (10). Voting nay: None (0). Absent: Anderson (1). Vacant positions (2). Motion carried.

2:52 p.m. Lucas exited call

8. OPEN SESSION

3:06 p.m. Verbal agreement from all board members to enter into open session.

9. ADJOURNMENT

Rowland announced the next meeting is scheduled for June 6, 2022 for the next regular board meeting, and small work groups will report at that time and declared the meeting adjourned at 3:06 p.m.

Submitted,

Jackie Hornig, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by the Licensure Unit